

MAY 22 2008

USSN 10/724,143

Art unit 3753

Examiner A. Michael CHAMBERS

REMARKS/ARGUMENTS

Claims 1 – 23 have been rejected under 35 USC 103(a) based on U.S. patent no. 4,394,027 (Watkins, Jr.) in view of U.S. patent no. 3,724,703 (Yamamoto). Applicants respectfully traverse this rejection.

Claims 1 and 20 refer to a double-walled tank mounted on a chassis in a horizontally disposed manner.

As recognized by the Examiner, Watkins, Jr. does not teach such a double-walled tank. The Examiner is currently arguing that, since a double-walled tanker allows a user to detect leaks, a person of ordinary skill would be motivated to modify Watkins, Jr. to include a second wall in order to be able to detect leaks, as taught by Yamamoto et al.

The Applicant respectfully disagrees, and submits that this logic is backward. A second wall motivates leak detection, but leak detection does not motivate including a second wall.

Yamamoto et al. describes a situation where more than one wall is necessary for insulative purposes, similar to Patterson et al. which was cited previously. Because of these additional walls, it is impossible to inspect the inner tank to determine whether there are leaks. Thus, a leak detector is beneficial. Watkins, on the other hand, teaches a single walled tanker. This tanker can be inspected for leaks, such that a leak detector for a single walled tanker would not be beneficial. In other words, the problem of leak detection only arises when the tanker cannot be inspected, for example, if a second wall were included.

The Applicant submits that the leak detector does not motivate including a second wall, but rather the second wall motivates leak detection. Otherwise, the solution is found prior to the problem arising, and the problem is then created to make the solution relevant.

USSN 10/724,143

Art unit 3753

Examiner A. Michael CHAMBERS

The Applicant submits that claims 1 and 20 are patentable over Watkins, Jr. in view of Yamamoto, as it would not be obvious to modify Watkins, Jr. to have a double-walled tank to provide a tank that detects leaks. As claims 2 through 19 and 23 depend upon claim 1, and claims 21 and 22 depend upon claim 20, it is submitted that these are also not obvious based on similar arguments.

Reconsideration and withdrawal of the rejections, and allowance of the claims, is respectfully requested.

Respectfully submitted, and certified as being faxed to the USPTO on

May 22/08

Taylor Lambert

Anthony R. Lambert
Agent of Record
Registration no. 32,813
Customer no. 020212
Telephone 780-448-0606